

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kauaʻi Fire Commission		Meeting Date	March 6, 2017
Location	Mo`ikeha Building – Meeting Room 2A/B			Start of Meeting: 2:00 p.m.	End of Meeting: 3:17 p.m.
Present	Chair-elect Michael Martinez; Vice-Chair elect Thomas Nizo; Members: Alfredo Garces Jr., Clifton (Jimmy) Miranda and Chad Pacheco. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Administrator Jay Furfaro; Office of the County Attorney: Deputy County Attorney Teresa Tumbaga; Fire Department: Fire Chief Robert Westerman and Deputy Fire Chief Kilipaki Vaughn.				
Excused					
Absent					
SUBJECT		DISCUSSION			ACTION
Call To Order		Prior to calling the meeting to order, Administrative Assistant to the County Clerk, Eddie Topenio, officiated the Oath of Office for reappointed Commissioners Chad Pacheco and Michael Martinez and newly appointed Commissioner Alfredo Garces Jr.			Chair Nizo called the meeting to order at 2:00 p.m. with five (5) members present constituting a quorum.
Approval of Minutes		Chair Nizo called for a motion to approve or amend the Regular Open Session Minutes of November 7, 2016. Chair Nizo stated before moving on to the Chief’s monthly reports, Mr. Martinez wanted a moment to proposed two recommendations. Mr. Martinez stated he after giving it some thought on how it would help to run the meetings more efficiently he came up with two recommendations. His first recommendation is for each Commissioner to review the Chief’s monthly reports prior to the meeting, and if they have any questions for the Chief they should jot it down and bring those questions with them to the meeting that way the Commission would it allow more time for the Commissioners to focus on the other			Mr. Miranda moved to approve the meeting minutes of November 7, 2016. Mr. Martinez seconded the motion. The Motion carried 5:0.

SUBJECT	DISCUSSION	ACTION
	<p>business items. His second recommendation, is in line with Mr. Miranda's comments about the Commission not having a meeting since November 2016. To address that issue, he would like to recommend alternate meeting date within the same month to make-up for the meeting that never happened (more so now) because the Commission needs to work on the criteria's for the Fire Chief's new job description and that the Commission still needs to complete the Chief's annual performance evaluation which was due in December 2016.</p> <p>Mr. Miranda stated he agrees with Mr. Martinez's recommendations, but he just wants to make sure he can still ask the Chief questions should the need arise to which Mr. Martinez replied sure.</p> <p>With no further comments, Chair Nizo thanked Mr. Martinez for his recommendations, then moved on to the Chief's monthly reports.</p>	
Chief's Monthly Reports	<ol style="list-style-type: none"> 1. Fire Commission Reports 2. Fiscal Report 3. Daily Flight Hours and Alarm Data 4. Chief's announcements and pertinent updates <p>Fire Chief Westerman gave a brief overview of his most current monthly report, highlighting the Department's on-going union negotiations and the ocean safety bureau's implementation of its roving patrols in the month of February.</p> <p><u>Fiscal Report</u> Chief Westerman reported for FY 2017, the department is in very good financial shape. Last year, the CAFR (Comprehensive Annual Financial Report) had the department at \$360,000 remaining out of a \$28million dollar budget.</p> <p><u>Daily Flight Hours and Alarm Data</u> There were a total of 16.1 flight hours in the month of February for Air 1 which is quite a</p>	

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	<p>bit for one month. Most of the alarm hours were related to rescue, a few fire alarms and maintenance alarms. Air 1 is in good shape and the Department is working on getting a contract for a third-party to come in and review Air 1 flight records so when the time comes to get a new contract, the Department would have the review of air worthiness for Air 1 readily available.</p> <p>Relative to the report for the different Fire Stations, Chair Nizo asked about the empty blocks to which Fire Chief Westerman explained that they are still working on trying to get their Records Management System to automatically download the data onto the report so they can print it. Another issue they are also dealing with is trying to decide how much information to provide and which ones.</p> <p>With no further questions or comments, Chair Nizo called for a motion to receive the Chief's monthly reports.</p> <p>Fire Chief Westerman introduced new Deputy Fire Chief Kilipaki Vaughn to the Commissioners.</p>	<p>Mr. Miranda moved to receive the Chief's monthly reports. Mr. Pacheco seconded the motion. The motion carried 5:0.</p>
KFC 2016-01	<p>Discussion and possible action on selecting the criteria for the Fire Chief's new job description which will be instrumental in the recruiting and hiring of a new Fire Chief in the future. (On-going)</p> <p>Mr. Pacheco referred to the draft copy of the Fire Chief's job description. Under <u>Essential Duties and Responsibilities</u>, in addition to the current language, Mr. Pacheco included the words: "<i>ocean safety and rescue operations</i>" to reflect the language in the Charter.</p> <p>Also, on the 5th bullet, Mr. Pacheco added the words "and implement".</p> <p>Under the heading <u>Minimum Qualification Requirements</u>. The 10 bullet, the word "<i>First</i>" was deleted. Chief Westerman explained that the Department no longer does</p>	

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	<p>first responder training.</p> <p>Under the heading <u>Skills</u>. The second bullet, the words <i>Crystal report writer</i>” was also deleted. And under the heading <u>Education and/or Experience</u>. The fifth bullet, both Chief Westerman and Commissioner Pacheco had a discussion on whether to include the name of the agency (IFSAC or Pro Board) of whom the certificate came from to Fire Officer IV or leave it as it.</p> <p>Also, in his meeting with Chief Westerman and looking over the materials provided, they notice that there was no community or staff requirements in the Chief’s current job description, but in the Police Chief’s job description, they found a few and would like to see it added into the Fire Chief’s new job description. (see below)</p> <ul style="list-style-type: none">• Maintain a positive working relationship and open communications with all labor organizations representing employee of the Kaua‘i Fire Department. Adhere to the provisions of the bargaining unit contracts.• Receive and investigate citizen complaints and take necessary action. <p>Lastly, both he and Chief Westerman discussed as Commissioners do we hire or appoint the Fire Chief. By appointing the Chief, the person needs to be a resident of Hawai‘i for one year, but if the Commission hire a Chief, the person needs to be a resident of Hawai‘i for 3 years.</p> <p>Mr. Pacheco stated according to the County Charter Section 12.02. Fire Chief, the fire chief <i>shall be appointed</i> and may be removed by the fire commission. The fire chief shall have a minimum of five years of training and experience in fire prevention and operations in fire prevention and operations in private industry or government service, at least three years of which shall have been in a responsible administrative capacity, asking does the Fire Commission hire or appoint the Fire Chief.</p>	

SUBJECT	DISCUSSION	ACTION
	<p>Mr. Martinez asked if the discussion is really about residency requirements, and if yes, what reasoning is for wanting to include it.</p> <p>Fire Chief Westerman stated that first of all, their trying to figure out the difference between hiring and appointing and then determine whether or not there's residency requirement, and if there is a requirement, the Commission needs to be careful about drafting the new language for the Fire Chief's job description.</p> <p>Fire Chief Westerman asked with the exception of the Police Chief is there are other appointed department heads who has an employee contract to which Administrator Furfaro replied no, just the Chief of Police. Fire Chief Westerman stated which means the Chief of Police was hired and not appointed. In regard to the Fire Chief's position (according to the Charter) it's an appointed position to which Administrator Furfaro replied correct.</p> <p>Fire Chief Westerman asked if there is a difference in the residency requirements for an appointed position versus a hired position and if it's an appointed position, would it remain status quo to which Administrator Furfaro replied, that's a question for the Deputy County Attorney. Ms. Tumbaga stated she'll look into it and would get back to him, noting that the language in the Charter for the Police and Fire Chief positions are identical and both are appointed positions and may be removed by the Commission.</p> <p>Fire Chief Westerman stated he brought it up is because as the sitting Fire Chief, he is considered an at-will employee which makes the job even less desirable. But if he was hired on a contract he would not be considered an at-will employee because of the contract and in order for the Commission to fire him it has to be based on him violating the contract.</p> <p>Fire Chief Westerman stated when he first became the Fire Chief it was an mayoral appointed position and the decision at the time was to leave it as an appointed position, but once the Fire Commission was established (by Charter) he was re-appointed, but he</p>	

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	<p>never signed a contract. So the question now is what the person is going to be obligated to do.</p> <p>Ms. Tumbaga stated Charter is like the County's constitution it cannot be changed simply because of an employee contract. The standards are set and the Fire Chief's position is an appointed position and may be removed by the Fire Commission. In regard to the Police Commission, the language mirrors the Fire Commission, the only difference is the Police Chief can only be removed after he's given a written statement of the charges against him plus a hearing.</p> <p>Mr. Martinez noted that's a good point for the next appointee. Fire Chief Westerman noted that a contract could make a lot difference for someone who wants to apply and who is good applicant. Administrator Furfaro verified that no other department head in the County has a contract except for the Police Chief.</p> <p>Ms. Tumbaga stated relative to the discussion about the residency requirements, she doesn't see anything in writing about it.</p> <p>Mr. Martinez stated it doesn't say anything about residency requirements, the documents only talks about a minimum of five years training and experience in fire prevention and control in private industry or government service, and a minimum of 3 years in a responsible administrative capacity, as stated in the Charter.</p> <p>Fire Chief Westerman stated the conversation on the floor is about the job description and about not the Charter and whether or not the law requires a residency requirement, which is what Ms. Tumbaga is going to do research on.</p> <p>Administrator Furfaro stated there is a state law that requires public safety positions for fire, police and civil defense shall be citizens of the United States and residents of the State for at least one year proceeding their appointment.</p>	

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	<p>Fire Chief Westerman asked Ms. Tumbaga to check with HR (Human Resources) because he can almost guarantee HR is going to put a residency requirement once they announce there's an opening for the Fire Chief's position. Ms. Tumbaga stated there is a state law on residency requirements, but she doesn't have the information with her and would have to check on it after the meeting adjourns.</p> <p>Chair Nizo shared that while at the Fire and Rescue International Conference on mainland, he attended a workshop and the instructor talked about the golden road, which is a succession plan to identify and develop internal people that has the potential to fill key positions as they become available. He stated when it came to the Chief's position, the instructor shared that 99% of the time the person who got hired to fill the chief's position was a resident of that specific state.</p> <p>Ms. Omo noted that any additional changes will be incorporated into the Chief's job description draft and once all of the changes are made and agreed upon by the Commissioners, she'll go ahead and prepare the final draft for the Director of Human Resources Janine Rapozo to review and provide input.</p> <p>Mr. Garces asked if the residency requirement is only for a Kaua'i resident or does it include the State of Hawai'i to which Chair Nizo replied, the person must be a resident of the State of Hawai'i. Mr. Martinez pointed out that according to the County's unofficial job description there is a minimum residency requirement.</p> <p>Fire Chief Westerman stated relative to the current certificate which both he and Mr. Pacheco had a discussion on whether to reword the Fire Officer IV to include the name of the organization (either IFSAC (International Fire Service Accreditation Council) or Pro Board) who issued the certificate. He thinks it would be good because it would show that a third-party designating that the individual has attained a certain level. Mr. Martinez asked what the certificate do for the individual to which Fire Chief</p>	

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	<p>Westerman replied for him personally when you talk about job description you're talking about what the minimum requirements are to get the job and this would be one of those requirements. In the current certifications the way it's written you have a bunch of options, it could be a Fire Officer IV, Pro Board, IFSAC, Executive Fire Officer Designee or a CFEO. For example, the Deputy Fire Chief has not attain anyone of those certificates yet, but they are working on it so if it doesn't make a difference which certificate he should obtain, it would help them to decide how they are going to educate the Deputy in that realm. The EFO is a four (4) year program (too late) whereas a CFOD is a certification that represents all of his knowledge, skills and experience that they can apply to see if he rates to be a CFOD. In addition, they could also send the Deputy to Texas A&M University to take some courses and earn his certification.</p> <p>Chair Nizo asked Fire Chief Westerman where he's at in terms of what organizations to which Fire Chief Westerman replied he has a certificates from Pro Board and IFSAC from Fire Officer I up to Fire Officer V. And his other Chief designation is Chief Fire Officer designation, whereas the Deputy he already has a bunch of fire certificates under his belt so the question now is what would be the best economical for the Deputy and the County to make him eligible. So by leaving it broad it would them with that capability.</p> <p>Chair Nizo asked how the IFSAC rates those individuals to which Fire Chief Westerman replied they rate every single Firefighter I up to Fire officer V. Chair Nizo asked in his own opinion which minimum certificate would he prefer to which Fire Chief Westerman replied Fire Officer IV. Chair Nizo asked if the Fire Officer IV position (at a minimum) is his recommendation or can it be something equivalent because the other organizations he mentioned must have similar qualifications to which Fire Chief Westerman replied yes, if can you can be trained by an organization that uses Pro Board (which we have is the State of Hawai'i) it would be accepted by IFSAC (which is also in the State of Hawai'i) either organization will accept it. The Chief Fire Officer designation is kind of an equivalent, but you can't say because a person is a Pro</p>	

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	<p>Board Fire Officer V he or she would automatically get the CPSC Chief Fire Officer designation or the Executive Fire Officer; the only way a person can get to an EFO is by attending the academy to a four (4) year program; none of the other certifications will help a person achieve that.</p> <p>Chair Nizo asked in other words in order for a person to get to an EFO (even if you are a Fire Chief) you have to attend the academy for four (4) years to which Fire Chief Westerman replied yes.</p> <p>Mr. Martinez asked how many people are in the Fire Officer IV realm would have to meet the requirement, if it was a minimum requirement for hiring to which Fire Chief Westerman replied there are thousands of them, but how many are in the Kaua'i Fire Department that's the question. If the Commission is going to revise the Chief's job description we need to start qualifying the people in KFD to be able to meet that job description in a certain amount of time.</p> <p>Chair Nizo asked for clarification if the Commissioners wants to reword the language to read as Fire Officer IV or equivalent. Mr. Martinez asked Deputy Fire Chief Vaughn for his input to which the Deputy replied the former deputy was on his way he got his EFO designation through the NFA, but that's a long road and it takes away from performing the actual duties; it compliments it but entails writing lengthy reports over four years. The fire officer programs offered by Pro Board and others are one week courses that can be done in bits and pieces which makes it more attainable. As for the CFO from the center for public safety excellence in many ways if you look at any of the fire chiefs across the nation most of the times they have CFO, EFO or Fire Officer IV; maybe V. Any type of equivalent would build capacity from within KFD. Chair Nizo asked the Deputy what his current designation is to which Deputy Fire Chief Vaughn replied Fire Fighter 1 to Fire Inspector 1. Mr. Martinez asked Deputy Fire Chief Vaughn if the requirement called for a Fire Officer V and he competes for the position where would he stand in that realm to which Deputy Fire Chief Vaughn replied it</p>	

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	<p>depends on what the Commission values in terms of education, certification and experience. Maybe the Commission would rather hire someone who is well rounded; somebody who is highly educated but doesn't have the experience might not fall in the realm the Commission is looking at versus someone who has a little bit of everything.</p> <p>Chair Nizo stated what the Commission is trying to figure out is with the Chief's upcoming retirement in 2018 if he (Deputy Fire Chief) is qualified to do job if he were to compete for the Chief position. Mr. Martinez stated what he thinks Chair Nizo is trying to say is if the Commission were to use the Fire Officer IV as a minimum requirement would he qualify to which Deputy Fire Chief Vaughn replied no. Chair Nizo stated the Deputy would not qualify now, but from now to the Chief's retirement in 2018, asking if there's a path for him to qualify to which Deputy Fire Chief Vaughn replied there is a path to Fire Officer IV by the way of Texas A&M University.</p> <p>Mr. Miranda asked how many Fire Officer IV are currently in KFD to which Fire Chief Westerman replied just him with the exception of two other EFO's who have already gone to the academy. Mr. Martinez asked at this point, what is their equivalent to a Fire Officer IV to which Fire Chief Westerman replied according to the revised language it's an <i>or</i> equivalent.</p> <p>Mr. Miranda stated right now and without mentioning names there are three (3) qualified individuals already in KFD. Fire Chief Westerman added there might have more qualified people out in PMRF and maybe fifty (50) in the State.</p> <p>*Due to technical difficulties, the rest of the remainder of the discussion could not be heard and the minutes will reflect only the actions taken.</p>	

SUBJECT	DISCUSSION	ACTION
KFC 2017-01	Selection of Chair and Vice Chair for 2017.	Chair Thomas Nizo was elected to Vice Chair in 2017 and Mr. Martinez was elected to Chair in 2017.
KFC 2017-02	<p>Discussion and possible action to select five or six goals from the Fire Department's list of goals and objectives the Commission would like to focus on in 2017.</p> <p>Fire Chief Westerman submitted a list of goals for consideration by the Commissioners. The Commissioners accepted the list and asked Fire Chief Westerman to provide quarterly updates on his list of goals.</p>	
Announcements	Next meeting – April 3, 2017 at 2:00 p.m. at the Mo'ikeha Building, Meeting Room 2A/2B.	
Executive Session ES KFC 2017-001	<p>At 2:57 p.m. Chair-elect Martinez cited the Hawai'i Revised Statutes to bring the meeting into Executive Session.</p> <p>Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) (2) and (4), the purpose of this Executive Session for is the Commission to consider the evaluation for Fire Chief Robert Westerman, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held. And to consult with the Commission's attorney on questions and issues pertaining to the Commission and the County's powers, duties, privileges, immunities and liabilities as it may relate to this agenda item.</p> <ul style="list-style-type: none"> • Selection of a minimum of eight (8) stakeholders 	

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ES KFC 2017-002	<p>Pursuant to Hawai'i Revised Statutes §92-4 and §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to consider charges brought against an officer in the Kaua'i Fire Department, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, and open meeting shall be held. And to consult with the Commission and the County's powers, duties, privileges, immunities, and liabilities as they may relate to this agenda item:</p> <ul style="list-style-type: none"> • Notarized complaint no. KFC 2016-001, filed on December 5, 2016. The complainant alleges that an employee in the Kaua'i Fire Department was completely irresponsible in his behavior in a life and death situation. <p>Chair-elect Martinez called for a motion to enter into Executive Session.</p>	<p>Vice Chair-elect Nizo moved to enter into Executive Session. Mr. Miranda seconded the motion. The motion carried 5:0.</p> <p>At 3:00 p.m. the Commissioners entered into Executive Session.</p>
Return to Open Session to ratify the actions taken in Executive Session	<p>At 3:16 p.m. the Commissioners reconvened in Open Session. Chair-elect Martinez called for a motion to ratify the actions taken in Executive Session.</p>	<p>Mr. Garces moved to ratify the actions taken in Executive Session. Vice Chair-elect Nizo seconded the motion. The motion carried 5:0.</p> <p>ES KFC 2017-001: On-going</p>

SUBJECT	DISCUSSION	ACTION
		ES KFC 2017-002: Motion carried 5:0 to refer notarized complaint no. KFC 2016-001 referred to the Office of the Chief for further review.
Adjournment	With no further business to conduct, Chair-elect Martinez called for a motion to adjourn the meeting.	Mr. Miranda moved to adjourn the meeting. Mr. Pacheco seconded the motion. The motion carried 5:0. At 3:17 p.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Michael Martinez, Chair

☒ Approved as circulated on April 3, 2017

☐ Approved as amended. See minutes of _____ meeting.